

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:20CR338
	:	
MOKHTAR QAID AHMED GULAIMID	:	

FACTUAL BASIS

NOW COME the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11(b)(3), Fed. R. Crim. P., states as follows:

Mokhtar Qaid Ahmed Gulaimid (“Gulaimid”) was born on January 1, 19XX in Al-Harabi, Badan, Ibb, Yemen and is a citizen and national of Yemen. On or about December 2, 2005, Gulaimid’s spouse, who at that time was a United States citizen, filed a petition for Alien Relative (Form I-130) with the United States Citizenship and Immigration Services (“USCIS”) on behalf of Gulaimid. USCIS approved the I-130 petition on March 27, 2006. On November 23, 2006, Gulaimid entered the United States, at New York, New York as a conditional resident alien (CR-1). Subsequently, on or about August 20, 2008, Gulaimid and his U.S. citizen spouse jointly filed a petition to Remove Conditions on Residence (Form I-751) with USCIS. On May 28, 2009, USCIS approved the I-751 petition, thus granting Gulaimid lawful permanent

resident status. His alien file reference number is XXX 960 887.

On August 26, 2016, in Hoke County, North Carolina, Gulaimid executed and submitted a voter registration form titled “Voter Registration Application.” In box 1, the form states, “Are you a citizen of the United States of America?” The box is marked “yes” indicating that Gulaimid is a citizen of the United States. The attestation for the signature line at the bottom of the form states “I swear/affirm that . . . I am a United States citizen . . . The information I have provided is true to the best of my knowledge under penalty of perjury. . . .” Gulaimid signed the form, so attesting. At the time he signed the form, Gulaimid knew he was not a United States citizen.

On November 8, 2016, in Hoke County, North Carolina, Gulaimid voted in the November 2016 election. The November 2016 election was held for the purpose of electing a candidate for the office of President, Vice President, Member of the United States Senate, and Member of the United States House of Representatives, among other positions on the ballot.

On December 21, 2016, Gulaimid filed an Application for Naturalization (Form N-400) with USCIS. As part of the N-400 application completed by Gulaimid under penalty of perjury, Gulaimid claimed to have never voted, never registered to vote, and never claimed to be a United States citizen.

Specifically, Gulaimid responded in Part 12 of the N-400 application, titled “Additional Information About You” (Person Applying for Naturalization), to questions as follows:

1. “Have you EVER claimed to be a U.S. citizen (in writing or any other way)?” Gulaimid responded by checking a box indicating “no.”
2. “Have you EVER registered to vote in any Federal, State or local election in the United States?” Gulaimid responded by checking a box indicating “no.”
3. “Have you EVER voted in any Federal, State or local election in the United States?” Gulaimid responded by checking the box indicating “no.”

On May 4, 2017, in Durham County, Gulaimid affirmed to USCIS during an in-person examination with USCIS at the USCIS facility in Durham, North Carolina the statements in his N-400 citizenship application about never claiming U.S. citizenship, never registering to vote, and never voting. During this interview, a USCIS official reviewed Gulaimid’s N-400 application by reading each question aloud and having Gulaimid orally affirm or deny under oath each answer in the application. During this in-person process, the USCIS made hand-written check marks in red ink on Gulaimid’s N-400 application to

indicate that Gulaimid affirmed certain facts orally under oath. Among the facts that Gulaimid affirmed were the responses to the three questions listed above in Part 12 of the N-400 Application, specifically, that he had never claimed to be a U.S. citizen, that he had never registered to vote, and that he had never voted. At the conclusion of the examination, the USCIS official and Gulaimid signed the N-400 application, with Gulaimid affirming the accuracy of everything in the application. Gulaimid stated during the interview that he had never claimed to be a U.S. Citizen, had never registered to vote, and had never voted, when, in fact, he had claimed to be a U.S Citizen, had registered to vote, and had voted in the November 2016 election.

Gulaimid knew he was not a United States citizen at all relevant times. Gulaimid, in fact, is not and never has been a United States citizen.

This the 17th day of December, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2020, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

James Van Camp, Attorney for Defendant

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